

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-CR-2

EDUARDO F. MORALES,

Defendant.

ORDER REGARDING UPCOMING SENTENCING

Defendant Eduardo F. Morales entered a plea of guilty to conspiracy to distribute 500 grams or more of cocaine. Sentencing was originally scheduled for April 25, 2022. The sentencing was continued when a dispute arose regarding the base level of the offence. The Presentence Report, consistent with the Government's position stated in the Plea Agreement, had recommended that the base level be set based on a drug quantity attributable to the defendant of between 3.5 and 5 kg of cocaine. The defendant objected to that amount, arguing that the evidence did not support it. Because no objection had previously been offered, the Government was not prepared to counter the defendant's argument. It was for this reason that the hearing was continued and the parties were instructed to consult with each other and any witnesses they intended to call, and contact the clerk to reschedule sentencing.

In the event they are unable to resolve the dispute by stipulation, the parties are directed to provide the Court, at least two days prior to the hearing, with a brief summary of their respective positions with appropriate citations to the record, together with citations to the section of the U.S.S.G. and any cases they wish to rely on to support those positions. Particular attention should be given to U.S.S.G. § 1B1.3(a)(1)(B) and the relevant cases construing that section. This will

assist the Court in resolving any dispute that remains and ensure that there are no further delays in the case.

SO ORDERED at Green Bay, Wisconsin this 28th day of April, 2022.

s/ William C. Griesbach
William C. Griesbach
United States District Judge